

Species 4 – FIGS. 7-8

Species 5 – FIGS. 9-10

Species 6 – FIGS. 11-12

Species 7 – FIGS. 13-14; and

Species 8 – FIGS. 15-16.

Applicant elects Species 3, FIGS. 3-6, and submits that claims 1-4, 8-10, 12-15 and 22 read on Species 3. Election is made with traverse. The grounds for traversal are set forth in the Remarks below.

REMARKS

The Examiner has failed to make out a prima facie case for restricting species, since there would be no serious burden to examine all of the claims directed to all of the species together. (see M.P.E.P § 803). To the contrary, it appears as though no serious burden exists because the same, or very similar search is required for a proper examination of all of the species identified by the Examiner.

Each of the identified species has numerous elements in common. All of the species are directed to a rod hanger having at least one anti-rotation element. The identified species 1 and 2 appear to vary from one another only by the addition of coined impressions 30. The identified species 3-8 appear to vary from one another only in the difference between anti-rotation elements 42. Species 3-8 differ from species 1-2 only in the absence of a fastener 44, and/or the coined impressions 30, and/or the shape of the anti-rotation elements

42. Thus, the Examiner will be searching for a rod hanger having anti-rotation elements regardless of which species are identified.

For these reasons, Applicant respectfully requests that the Restriction Requirement be withdrawn and that all of the claims be examined together in the present application. In the alternative, it is requested that the restriction requirement regarding Species 3-8 be withdrawn as these species appear to vary from one another only by the configuration of the anti-rotation element, and that claims 1-4, 8-10, and 13- 22 that read on all of these species be examined together.

The Examiner also has concluded that there are no claims generic to the identified species 1-8. It is respectfully submitted that this is incorrect. At least claims 1-4, 8-10, 13 and 22 are generic to all identified species. Should the Examiner not agree with the grounds of traversal, it is requested that the Examiner at least acknowledge the existence of generic claims and withdraw the Restriction requirement upon the allowance of any of the generic claims and/or any claim including elements generic to all of the species.

In the event the Examiner determines that there are issues which may be resolved by a telephone conference, he is invited to contact the undersigned or Applicant's principal Attorney Lisa Soltis, 3600 W. Lake Avenue, Glenview, IL 60025-5811, (719) 955 2983. Further correspondence in this application should be directed to Ms. Soltis at the address of record.

Respectfully submitted,

GREER, BURNS & CRAIN, LTD.

By



Thomas R. Fitzsimons
Registration No. 40,607

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300 South Wacker Drive
Suite 2500
Chicago, Illinois 60606
Telephone: (312) 360-0080
Facsimile: (312) 360-9315
Customer No. 24978

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